

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENT OVERTON,

Plaintiff,
-v-
No. 09-cv-13283-BAF-MAR
Hon. Bernard A. Friedman

CITY OF YPSILANTI,
a Michigan municipal corporation,

Defendant.

/

DEFENDANT'S MOTION FOR PROTECTIVE ORDERS

EXHIBIT A

Plaintiff's Request for Production of Documents

dated November 10, 2009

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENT OVERTON,

Plaintiff,

Case No. 09-cv-13283
Hon: Bernard A. Friedman

v

CITY OF YPSILANTI, a Michigan
Municipal Corporation,

Defendant.

James K. Fett (P39461)
Joshua R. Fields (P68559)
Fett & Fields, P.C.
805 E. Main St.
Pinckney, MI 48169
734-954-0100
Fax: 734-954-0762
attys@fettlaw.com
Attorneys for Plaintiff

Roger A. Smith (P27722)
Garan Lucow Miller, PC
1111 W. Long Lake Rd., Ste. 300
Troy, MI 48098
248-641-7600
Fax: 248-641-0222
rsmith@garanlucow.com
Attorney for Defendant City of Ypsilanti

**PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS DATED NOVEMBER 10, 2009**

Pursuant to Federal Rules of Civil Procedure, Plaintiff requests that Defendants produce, in accordance with the Instructions and Definitions set forth below, each of the documents designated below for inspection and copying within thirty (30) days from the date of this request, at the offices of FETT & FIELDS, P.C., 805 Main St., Pinckney, MI 48169 or at a place which can be mutually agreed upon between counsel for Plaintiff and counsel for Defendants.

INSTRUCTIONS AND DEFINITIONS

As used herein, the term "documents" means any and all tangible things and documents, whether hand written, typed, printed, emailed, text-messaged or otherwise visually reproduced, including but not limited to letters, cables, wires, memoranda, and interoffice communications; reports, notes, minutes and recordings, drawings, blueprints, sketches, charts, photographs and movies, patents, patent applications, assignments, contracts, agreements and other official documents and legal instruments; published material of any kind; engineering or scientific notebooks and data; travel reports and vouchers; and ledgers, bills, orders, books, records, invoices, checks, receipts, files, tape recordings, computer records, computer disks, voice mails and e-mails.

The term "relates to or refers to" shall mean constituting, comprising, containing, setting forth, showing, disclosing, explaining, summarizing, mentioning, concerning and/or referring to directly or indirectly.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents which relate to or refer to Plaintiff's performance while in your employ.

RESPONSE:

2. Any and all correspondence, memoranda, notes or other written communications or documents which relate to or refer to warnings given to or about Plaintiff regarding his job performance.

RESPONSE:

3. Any and all documents which relate to or refer to Defendant's decision to promote Officer Davis to sergeant.

RESPONSE:

4. Any and all documents which may be submitted by Defendant in support of its affirmative defenses.

RESPONSE:

5. Copies of all complaints, claims, petitions, charges, or lawsuits filed against Defendant in any Court or with any agency which contain allegations of race discrimination for the period of 2005 to the present.

RESPONSE:

6. Any and all documents which comprise or relate to or refer to Defendant's personnel or civil service policies that apply to promotion to police sergeant for the years 2005 to the present.

RESPONSE:

7. Plaintiff's entire personnel file.

RESPONSE:

8. Sergeant Davis' personnel file.

RESPONSE:

Respectfully submitted,

FETT & FIELDS, P.C.

By: James K. Fett (P39461)

Attorneys for Plaintiff

Affidavit of Mailing

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by mailing the same to them at their respective business addresses as directed by the pleadings and records herein, with postage fully prepaid thereon on the date indicated.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Maureen K. Proffitt

Dated: November 10, 2009